



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-40
<b>Regulation Title:</b>	Prevention, Control, and Eradication of Bovine Tuberculosis in Virginia
<b>Action Title:</b>	Retain
<b>Date:</b>	May 8, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation provides the rules and regulations for the prevention, control and eradication of bovine tuberculosis in Virginia. TB is an infectious and contagious disease of cattle that can affect humans. The regulation establishes the reporting, testing, identification, handling and ultimate disposition of cattle reacting to the tuberculin test or cattle found by clinical examination to be infected with tuberculosis.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or*

*discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

Sections 3.1-724, 3.1-726 through 3.1-732, and 3.1-749 through 3.1-755 of the Code of Virginia (1950), as amended, requires the State Board of Agriculture and Consumer Services, the State Veterinarian, and all other veterinarians within the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Consequently, the State Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to establish livestock and poultry disease surveillance, control, and eradication programs to prevent the possible spread of diseases. The language in these pertinent sections of the Code of Virginia uses the words "duty" and "requires," both being words of mandate. In addition, the word "authorizes" is used and is discretionary.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

The Department published its notice in The Virginia Register of Regulations on February 12, 2001 advertising the opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). The Department did not receive any public comments concerning this regulation. An informal advisory group was not formed for the purpose of assisting with this periodic review..

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

The specific and measurable goals of the regulation are:

- 1.The protection of the public’s health and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
- 2.The prevention of bovine tuberculosis (Bovine TB) in Virginia.

3.The eradication of Bovine TB, should it be detected, in Virginia.

The effectiveness of the regulation in achieving these goals is reflected, in part, in Virginia's continued status as "tuberculosis-free". This status allows the Virginia cattle industry to freely participate in the markets of other states and to export to other countries. The Commonwealth has prevented the incursion of tuberculosis because of the effectiveness of the regulation. Before control measures were adopted, the disease was a major disease of man and domestic animals. Bovine TB is still a significant zoonosis in many parts of the world. Not only has the regulation effectively protected the public's health, it has prevented death losses and decreased production of cattle. This action translates into a consistent source of animal protein that is affordable and of good quality for Virginia consumers. Preventing, controlling, and eradicating tuberculosis within an animal population is dependent upon a successful testing, identification, reporting and elimination of infected animals. Healthy animals bring better prices and are therefore more valuable when marketed. Therefore, it is beneficial to Virginia's livestock producers to promptly identify and eliminate any infected animals. Also, healthy animals pose less risk to the health and welfare of the human population since Bovine TB affects man.

The regulation is clearly written and easily understandable by the individuals and entities affected.

## Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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Considered alternative to this regulation is to eliminate the program which prevents, controls and eradicates Bovine TB. The agency rejects this alternative because this disease can be transmitted to man, and because the industry would suffer significant financial losses.

## Recommendation

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The regulation should stay in effect without change.

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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Unless otherwise discussed in this report, this regulation has no impact upon families.